

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

CHRISTOPHER CARBIN

PETITIONER

VERSUS

CIVIL ACTION NO. 4:07cv154HTW-LRA

STATE OF MISSISSIPPI

RESPONDENT

ORDER TRANSFERRING CIVIL ACTION TO
THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF MISSISSIPPI

This cause comes before this court, sua sponte, to transfer this complaint to the United States District Court of the Northern District of Mississippi pursuant to 28 U.S.C. § 1404. A district court has the authority to transfer a case in the interest of justice to another district in which the action might have been brought. 28 U.S.C. §§ 1404, 1406. Although the plaintiff's choice of forum is the most important factor, there are other factors to consider to determine whether a transfer is appropriate. McRae v. Sawyer, 660 F. Supp. 62 (S.D. Miss. 1986). Section 1404 (a) directs the court to consider the convenience of parties and witnesses and the interest of justice. Additional factors to be considered are "[t]he location of counsel for all parties, the cost of obtaining attendance of witnesses and other trial expenses, and the place of the alleged wrong . . . ". McRae, 660 F. Supp. at 64.(citing Gulf Oil Co. v. Gilbert, 330 U.S. 501, 508-09 (1947)).

According to the writ of mandamus presently before this court, the petitioner is incarcerated at the East Mississippi Correctional Facility, Meridian, Mississippi, which is located in the Southern District of Mississippi. The allegations of the instant petition relate to the petitioner's pending motion for a fast and speedy trial in the Circuit Court of Tate County, Mississippi. The petitioner is requesting that this court direct the state trial court judge, Judge Andrew Baker of the Circuit Court of Tate County, Mississippi, to rendered a decision of whether the state trial court is going to dismiss or pursue the armed robbery charges against the petitioner.

In this instant case, it appears that the incident which gives rise to this civil action and the party who the petitioner is seeking this Court to mandamus are located in the Northern District of Mississippi. Therefore, the transfer of this case does not adversely affect any of the petitioner's legal rights. In balancing the factors and in light of the fact that the claims arose out of events that occurred in the Circuit Court of Tate County, Mississippi, a transfer to the United States District Court for the Northern District of Mississippi is appropriate.

IT IS, THEREFORE, ORDERED that this civil action be transferred to the United States District Court of the Northern District of Mississippi, and that the writ of mandamus and other documents filed in this civil action shall be received in accordance with the local rules of the Northern District of Mississippi.

SO ORDERED, this the 17th day of December, 2007.

s/ HENRY T. WINGATE
CHIEF UNITED STATES DISTRICT JUDGE

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